

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD GREEN (FINE PAINTINGS),

Plaintiff,

-against-

DOYLE MCCLENDON and MARY ALICE
MCCLENDON,

Defendants.

ECF CASE

08 Civ. 8496 (JGK) (JCF)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed Declaration of John R. Cahill dated July 7, 2007, the exhibits annexed thereto, the accompanying Memorandum of Law dated July 7, 2007, and upon the prior pleadings and proceedings in this action, Plaintiff, Richard Green (Fine Paintings) ("Green"), will move, at a date and time to be determined by the Court (a) pursuant to Fed. R. Civ. P. 26 *et seq.*, for an order authorizing Green to conduct a forensic examination of defendant Mary Alice McClendon's home computer and (b) for appropriate sanctions, pursuant to Fed. R. Civ. P. 37, in connection with the failure of Mrs. McClendon and her counsel to preserve and produce relevant documents, including electronic documents that the Court has ordered produced. Pursuant to Court Order, papers in opposition to this motion are due on July 17, 2009, and reply papers are due on July 23, 2009.

Dated: New York, New York
July 7, 2009

LYNN & CAHILL LLP

A handwritten signature in black ink, appearing to read "J.R. Cahill", is written over a horizontal line.

John R. Cahill (JC-4299)
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*Attorneys for Plaintiff,
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